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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

EDWARD J. PROUDFOOT and MICHELLE
MILLIORN,

Plaintiffs,

v.

CITY OF OAKLAND, COUNTY OF
ALAMEDA, ET AL.

Defendants.

Case No. C09-01492 WHA

**STIPULATION AND ORDER TO
CONTINUE DEADLINE FOR
RESPONSIVE PLEADING FROM
CITY OF OAKLAND**

The parties to the above captioned litigation hereby stipulate, by and through their undersigned counsel of record, to continue the date for Defendant City of Oakland to file a responsive pleading in this case from August 31, 2009 to September 21, 2009.

The reason for this stipulation is the parties are currently negotiating on the filing of a Second Amended Complaint in this matter in order to avoid defendant filing a second Motion to Dismiss pursuant to F.R.C.P. Rule 12(b)(6).

1 DATED: AUGUST 25, 2009

2 JOHN A. RUSSO, City Attorney
3 RANDOLPH W. HALL, Assistant City Attorney
4 JAMES F. HODGKINS, Supervising Trial Attorney
5 CHARLES E. VOSE, Senior Deputy City Attorney

6 By: _____ /s/

7 Attorneys for Defendant
8 CITY OF OAKLAND

9 DATED: AUGUST 25, 2009

10 KATE WELLS, ESQ.

11
12 By: _____ /s/

13 Attorney for Plaintiffs
14 MICHELLE MILLIORN and EDWARD J. PROUDFOOT
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ORDER

Pursuant to stipulation of the parties and good cause appearing therefore, it is hereby ordered that the date for Defendant City of Oakland to file a responsive pleading in this case is continued from August 31, 2009 to September 21, 2009.

IT IS SO ORDERED.

Dated: August 26, 2009.

WILLIAM H. ALSUP
United States District Judge

